

## U.S. Patent &amp; TMOfc/TM Mail Rcpt Dt. #39

On October 19, 2004 the parties filed a Motion on Consent to Suspend this Opposition, which was granted by the Board on February 1, 2005. That Order also provided that the action resumed as of August 1, 2005. Unfortunately, the Trademark Examiner has still not yet acted on Applicant's consent to Opposer's application. Pursuant to the Board's February 1, 2005 Order resuming this opposition, however, Applicant presently has until August 30, 2005 to Answer or otherwise plead in response to the Notice of Opposition.

The parties therefore hereby jointly move this Board to re-suspend this action until the Trademark Office can act on Applicant's consent to Opposer's application, so that this dispute can be resolved without the parties and the Board unnecessarily investing time and effort into the litigation of this action.

Both parties reserve the right to request resumption of this proceeding, if either believes it to be appropriate. Once the Office acts on Opposer's '572 application, Opposer will either dismiss this action, or the parties will contact the Board to reschedule Applicant's Answer and the cut-off dates for discovery and trial.

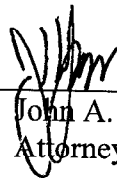
Opposer's counsel, Kenneth R. Glaser, has consented to this motion on behalf of Opposer.

Respectfully submitted,

TOWNSEND AND TOWNSEND AND CREW LLP

Dated: August 12, 2005

By



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CERTIFICATE OF MAILING


I hereby certify that this correspondence is being deposited on August 12, 2005 with the United States Postal Service as first class mail, postage prepaid, in envelopes addressed to:

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P.O. Box 1451  
Alexandria, VA 22313-1451

and to counsel for Opposer, at

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